

PROPOSED AMENDMENTS TO CODE OF ORDINANCES, CITY OF CENTER LINE

Appendix A.

Sec. 821. – Small Cell Wireless Facilities.

This Section applies to Small Cell Wireless Facilities outside the ROW. Small Cell Wireless Facilities shall be allowed after review and approval of the permit and site plan by the Zoning Administrator, subject to applicable conditions. An applicant's business decision on the type and location of small cell wireless facilities, wireless support structures, or technology to be used is presumed to be reasonable. This presumption does not apply with respect to the height of wireless facilities or wireless support structures. The City may consider the height of such structures in its zoning review, but shall not discriminate between the applicant and other communications service providers.

(A) The Zoning Administrator shall judge any small cell wireless facilities outside the ROW which are subject to zoning review as a matter of state and federal law. The review of the Zoning Administrator shall include, but shall not be limited to, the following:

- (1) Whether, in the City's determination, the installation would adversely affect the support structure.
- (2) Any equipment placed in a residential district shall not be erected at a height that requires lighting.
- (3) Any equipment placed adjacent to a residential district or use that requires lighting shall be a continuous red beacon.
- (4) The small cell wireless facility shall be treated to match the supporting structure or pole by painting or other coating to be visually compatible with the support structure upon which it is to be attached.
- (5) In residential areas, small cell wireless facilities shall be located in line with a side lot line whenever possible and not in front of a house.
- (6) Small cell wireless facilities shall be compatible in scale and proportion to the structure or pole upon which they are to be attached using the smallest and least intrusive technology available.
- (7) Small cell wireless facilities may be mounted to the sides of a building if they do not compromise the building's architectural theme.
- (8) The interruption of architectural lines or horizontal or vertical reveals is discouraged.
- (9) The City shall deny a completed application for a small cell wireless facility permit if, in the determination of the City, the proposed activity shall:
 - (a) Materially interfere with the safe operation of traffic control equipment.
 - (b) Materially interfere with sight lines or clear zones for transportation or pedestrians.

- (c) Materially interfere with compliance with the applicable state and federal law regarding disability access, pedestrian access, or pedestrian movement.
 - (d) Materially interfere with maintenance or full unobstructed use of the public utility infrastructure of the City of Center Line.
 - (e) Materially interfere with maintenance or full unobstructed use of drainage infrastructure as it was originally designed.
 - (f) Fail to comply with applicable state or federal law.
 - (g) Fail to obtain any other permit or license required by law.
- (B) The City shall not evaluate or require an applicant to submit information about an applicant's business decisions with respect to the need for a wireless support structure or small cell wireless facilities; the applicant's service, customer demand, for the service, or the quality of service. Each application for a permit under this Ordinance shall include:
- (1) The names of the wireless provider(s) that will install and use equipment at the site.
 - (2) The owner of the wireless support structure or utility pole.
 - (3) For each person or entity required to be identified in subsections (1) and (2), the following information:
 - (a) Legal and any assumed names and resident agent name, if any.
 - (b) Local, mailing and registered office addresses.
 - (c) Name and title of authorized person that will sign license if approved.
 - (d) Contact person name, address, phone number and email address.
 - (4) Documentation of the wireless provider(s)' rental, easement, or ownership of the property.
 - (5) Documentation from the Building Inspector that the wireless support structure or utility pole proposed for collocation can structurally accommodate the collocation, and for each proposed replacement structure or pole, documentation of its sufficiency to accommodate the proposed and any future wireless equipment.
 - (6) Documentation of compliance with any applicable state and federal law.
 - (7) A map, which shall be legible, to scale, labeled with streets, and contains sufficient detail to clearly identify the proposed small cell wireless facilities' locations and the 50-foot surrounding area, including any requested pole height(s), trees, and existing structures on or above the ground including, but not limited to the improved roadway, curbs, buildings, driveways, sidewalks, signs, utility cabinets, utility pole guy wires, shelters, and benches.
 - (8) A scaled diagram of the proposed small cell wireless facility.

(C) Within 30 days of receiving an application for a permit under this ordinance, the City shall notify the applicant whether or not the application is complete.

(1) This notice tolls the running of the 30-day period. The running of the time period resumes when the applicant makes a supplemental submission in response to the City's notice of incompleteness.

(2) If the applicant makes a supplemental submission in response to the City's notice of incompleteness, the City will so notify the applicant in writing within 10 days, delineating the previously requested and missing documents or information. The time period may be tolled in the case of second or subsequent notices under the procedures identified in this subsection.

(3) The City shall make a determination as to the issue or denial of a permit under the following schedule:

(a) The City shall approve or deny the application and notify the applicant in writing within 90 days after an application for a modification of a wireless support structure or installation of a small cell wireless facility is received, or 150 days after an application for a new wireless support structure is received.

(b) The time period for approval may be extended by mutual agreement between the applicant and the City.

(c) If the City fails to comply with this subsection, the application is considered to be approved, subject to the condition that the applicant provide the City not less than 15 days' advance written notice that the applicant will be proceeding with the work pursuant to this automatic approval.

(d) The City may deny an application if all of the following apply:

(i) The denial is supported by substantial evidence contained in a written record that is publicly released contemporaneously.

(ii) There is a reasonable basis for the denial.

(iii) The denial would not discriminate against the applicant with respect to the placement of the facilities of other wireless providers.

(D) The City may revoke a permit, upon 30 days' notice and an opportunity to cure, if the small cell wireless facilities and any associated wireless support structure fail to meet the requirements of the approval, applicable codes, or applicable zoning requirements, or if the wireless provider fails to initiate construction within 1 year of issuance of a permit.

(E) Fees required for a permit under this Ordinance, as well as annual usage fees, shall be as periodically adopted by the City Council by resolution, in compliance with applicable state and federal law.

Appendix A.

Article II.

Sec. 201. – Definitions

"Small cell wireless facility" means a wireless facility that meets both of the following requirements:

- a. Each antenna is located inside an enclosure of not more than 6 cubic feet in volume or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements would fit within an imaginary enclosure of not more than 6 cubic feet.
- b. All other wireless equipment associated with the facility is cumulatively not more than 25 cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, grounding equipment, power transfer switches, cut-off switches, vertical cable runs for the connection of power and other services, and any design or concealment devices necessary to comply with this ordinance.
- c. For the purposes of this ordinance, "small cell wireless facility" shall not include a micro wireless facility no more than 24 inches in length, 15 inches in width, and 12 inches in height, with an exterior antenna no more than 11 inches in length.
- d. For the purposes of this ordinance, "Collocation" means to place or install wireless transmission equipment on an eligible support structure or pole for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

"Wireless infrastructure provider" means any person, including a person authorized to provide telecommunications services in this state but not including a wireless services provider, that builds or installs wireless communication transmission equipment, wireless facilities, or wireless support structures and who, when filing an application with an authority under this act, provides written authorization to perform the work on behalf of a wireless services provider.

"Wireless provider" means a wireless infrastructure provider or a wireless services provider.

"Wireless services" means any services, provided using licensed or unlicensed spectrum, including the use of Wi-Fi, whether at a fixed location or mobile.